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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RC.REV. 60/2018**

HARI CHAND THR LRS

..... Petitioners

Through: Mr. Vikas Aggarwal & Mr. Abhijit
Puri, Advs.

versus

LAL PRABHU DAYAL JI DADU PANTH RAM PURIA TRUST

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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16.02.2018

CM No. 5979/2018 (exemption)

Allowed, subject to all just exceptions.

RC.REV. 60/2018 & CM No. 5978/2018 (stay)

The eviction order dated 09.10.2017 is challenged by the legal heir of Hari Chand who was impleaded as the respondent-tenant in the eviction case (E-539/17 – CIS 626/17) on the ground that the said Hari Chand had died on 21.11.2002, before the case was instituted. It would be proper that this fact is first brought to the notice of the Rent Controller.

After some hearing, learned counsel for the petitioners submitted that he may be allowed to withdraw the present petition and the application filed therewith and instead be given liberty to approach the trial court by review application and, in the meanwhile, be granted protection against execution.

In view of the above, the petition and the application are dismissed as withdrawn. The petitioners are granted liberty to file a review application within two weeks hereof. It is directed that the impugned order of eviction shall not be executed for the period of two weeks and in the event of application for review being submitted in terms of the liberty granted within the period specified, till adjudication on the review application.

Dasti under the signatures of Court Master.

R.K.GAUBA, J

FEBRUARY 16, 2018

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